



**Town of Barnstable
Planning & Development Department**



Proposed Regulatory Agreement – 185 Ridgewood Avenue

Applicant:	Seashore Homes, Inc.
Property Addresses:	185 Ridgewood Ave, Hyannis (application also requests zoning relief for 195 Ridgewood Ave, if necessary)
Assessor's Map/Parcel:	328/226 328/073 (if necessary)
Property Owner:	MWV Associates LLC
Zoning:	185 Ridgewood: Single Family Residential District; Well Protection Overlay 195 Ridgewood: Hyannis Gateway District; Well Protection Overlay
Lot Area:	185 Ridgewood: .39 Acres 195 Ridgewood: .57 acres
Utilities:	Public water & sewer (see details below)

General Description of Proposed Development

Development of two residential structures with a total of eight units with a total floor area of 6,448 square feet on a .39 acre parcel at 185 Ridgewood Ave.

- Construction of two buildings of multifamily residential units along with site improvements, with each building containing four (4) townhouses. The development includes a total of eight (8) units. All units will have two (2) bedrooms.
- All units will be market rate.
- Exterior siding will be Certainteed MainStreet woodgrain clapboard vinyl siding (sample will be available at hearing).
- Paved parking area with 12 spaces (including sections of pervious paving), stormwater management system, and landscaping proposed.

Question of Merger

185 and 195 Ridgewood Avenue are adjacent properties currently owned by MWV Associates LLC. Section 204-91.F. of the Zoning Ordinance, Nonconforming Lots, discusses Merged Lots, stating, "Except as otherwise provided herein, lawfully nonconforming lots that are adjoining and held in common ownership, or under the control of the same owner, shall be treated so as to conform so far as possible with the minimum area requirement of the zoning district in which they are located. No lot so merged, or portion thereof, may be changed or transferred in any manner that will increase the degree of nonconformity unless a special permit has first been obtained from the Zoning Board of Appeals. No such special permit may create any additional buildable lot(s)."

As part of their application package, Seashore Homes, Inc. submitted an opinion from Angela R. Philbrook, Esquire, of Cape Cod Title & Escrow, P.C. stating there does not appear to be any merger for the purposes of zoning (letter dated April 5, 2018, attached).

Should it be determined that a merger has occurred, the applicant has requested the following relief related to nonconformities resulting from the development scheme:

- Lot size relief: 185 Ridgewood is 17,061 sf. The minimum lot area in the Single Family Residential District is 20,000 sf. 195 Ridgewood is approximately 24,829 sf. The minimum lot area in the Hyannis Gateway District is 40,000 sf.
- Lot coverage relief at 195 Ridgewood: 195 Ridgewood is in the Well Protection Overlay District, which limits impervious lot coverage to 15% (50% if all recharge is disposed on site). Impervious lot coverage at 195 Ridgewood is currently approximately 100%.

Waivers Requested

The Regulatory Agreement seeks waivers from the Zoning Ordinance, specifically:

- Section 240-56. – Off Street Parking Requirements
- Section 240-53. – Landscape requirements for parking lots
- Section 240-24.1.5.A. – Permitted uses, to allow an eight-unit multifamily use in the Single Family Zoning District
- Section 240-7 – Number of buildings allowed per lot in a residential district
- Section 240-91. – Nonconforming Lot, lot size relief (only if merger issues exist with abutting commercial property), also relief for abutting lot (Map 328, Parcel 073) lot coverage if required due to any merger issues
- Section 240-24.1.5.B.(1) – Green space perimeter setback
- Section 240-24.1.5.B. – Setbacks
- Section 240-24.11.A.(5)(c) – 20 Foot setback from all residential property lines in SF District
- Section 240-35.G.(4) – Site clearing so less than 30% retained in its natural state

And waivers from the Code of the Town of Barnstable, specifically:

- Section 353-4 – Board of Health requirement that the dumpster be located 10 feet from the lot line.

Other Reviews & Approvals

Site Plan Review: The proposal presented with the Regulatory Agreement was reviewed by the Site Plan Review Committee (Building, Department of Public Works, Hyannis Fire District, etc.) pursuant to Article IX of the Zoning Ordinance. The Committee approved the project at a formal hearing on April 5, 2018, subject to conditions.

Site Plan Review Committee approval included a condition that the execution of a formal agreement with DPW regarding the sewer plan is required prior to the granting of the Regulatory Agreement.

Staff Comments

- Although the project is located in the Single Family Residential Zoning District, it is included within the Downtown Hyannis Growth Incentive Zone. The Comprehensive Plan (2010) puts forwards a policy to direct dense development to downtown Hyannis and limit density in the villages. This proposal calls for a density of 20.5 units per acre, or 8 units on 0.39 acres.
- Regulatory Agreement applications are directed to be reviewed for consistency with the Design and Infrastructure Plan (DIP) and the Local Comprehensive Plan. The proposal for market rate and affordable housing constructed at a village & scale is consistent with DIP goals to create “livable neighborhoods for year round residents” and “housing opportunities for persons and households of all income levels.”
- The building design relates to the architectural context of the general Hyannis Area.
- The Design and Infrastructure Plan guidelines for site design state “site development patterns shall be oriented to maximize pedestrian environments, build on historic precedent” (3.1.2). The guidelines for Architectural Details, Material, and Colors state “Façade materials shall be high quality, authentic materials (ex. wood, stone, brick). Faux materials intended to duplicate the look of natural materials are prohibited (ex. vinyl siding, fake stone etc.)” (2.5.2).

- The Town of Barnstable completed a Housing Needs Assessment in December 2014. The Needs Assessment identifies more rental housing as Barnstable's primary housing need. Additional findings specific to Hyannis conclude that the "development of rental housing in Hyannis should focus on creating market-rate rentals." Further, the assessment provides that approximately one-half of all renters live in single-family structures as a result of limited multi-family options town wide.

Procedural Information

A draft Regulatory Agreement has been provided for the Board's consideration. The Board should consider the application, the draft Agreement and any additional testimony from the Applicant and/or members of the public. **An affirmative majority vote recommending the execution of the Regulatory Agreement is required from the Planning Board.**

- Notice of the proposed regulatory agreement and public hearing was provided in the Barnstable Patriot, to abutting property owners, and to interested parties as required by §168-8(D).
- An affirmative majority vote of the Planning Board recommending execution of the Regulatory Agreement is required.
- Upon an affirmative recommendation from the Planning Board, a two-thirds affirmative vote of the Town Council is needed to authorize the Town Manager to execute the regulatory agreement.



2018 APR 23 PM3:31

BARNSTABLE TOWN CLERK

Town of Barnstable Planning Board

Application for a Regulatory Agreement

(Attach additional sheets if necessary)

A regulatory agreement is a contract between the applicant and the Town of Barnstable, under which the applicant may agree to contribute public capital facilities to serve the proposed development and the municipality or both, to build fair affordable housing, to dedicate or reserve land for open-space community facilities or recreational use, or to contribute funds for any of these purposes. The regulatory agreement shall establish the permitted uses, densities, and traffic within the development, the duration of the agreement, and any other terms or conditions mutually agreed upon between the applicant and the Town. A regulatory agreement shall vest land use development rights in the property for the duration of the agreement, and such rights shall not be subject to subsequent changes in local development ordinances.

For office use only: RA # _____

The undersigned hereby applies to the Planning Board of the Town of Barnstable for a Regulatory Agreement, in the manner and for the reasons set forth below:

1. Applicant Name⁴: Seashore Homes, Inc

Phone: 774-487-8086

Applicant Address: PO Box 462

Applicant Email Address: dennis@seashorehomescapecod.com

2. Project Name : Ridgewood Residences at 185 Ridgewood Avenue, Hyannis, MA

Property Location: 185 Ridgewood Avenue, Hyannis, MA

If applicant differs from owner, state nature of interest: The applicant is a purchaser under an executed purchase and sale agreement (see attached)

3. Owner(s) of Record. Provide the following information for all involved parcels (attach additional sheets if necessary):

Map/Parcel	Owners Name	Land Ct. Certif. of Title #	Lot & Plan	Registry of Deeds Book/Page #	# Years Owned
328/226	MWV Associates		plan book 9 page 119	deed book 14210 page 101	17 years

Page 1

⁴ The Applicant Name will be the entity in whose name the Regulatory Agreement will be executed.

Owners Contact information (if different from applicant)

Name Address Phone number Email

MWV Associates, LLC 22 Campion Road, Yarmouth port, MA 02675 508-737-5284

4. List all Zoning District(s) within which the property is located: Single Family (SF) Hyannis Growth Incentive Zone (HIZ)

5. Is this project located within the Groundwater Protection Overlay District? Yes ☒ No ☐

6. Is this project located within the Hyannis Main Street Waterfront Historic District? Yes ☐ No ☒

7. Does this project involve the demolition or alteration of a building or structure, or any portion of any building or structure, that is over 75 years old? Yes ☐ No ☒

8. Is this proposal subject to the jurisdiction of the Conservation Commission? Yes ☐ No ☒

9. Is this proposal subject to the jurisdiction of the Board of Health? Yes ☐ No ☒

10. Is the Cape Cod Commission a party to the proposed Regulatory Agreement? Yes ☐ No ☒

11. Total land area subject to the Regulatory Agreement: .39 acres

Total land area upland .39 acres Total land area wetland: None

12. Total estimated cost of construction: \$850,000

13. Existing Development – Describe existing buildings including number of buildings, Gross Floor Area of each building, height of each building and uses in each building (include Gross Floor Area of each use):

There are no existing structures onsite parcel is vacant land

14. Existing Residential Uses: Provide existing density (units per acre), number of total residential units, number of market rate units, number of affordable units counted in the Town's DHCD inventory, and number of workforce units deed restricted, together with the number of bedrooms contained in each unit (also identified by market, affordable and workforce), and a description of which building said units are located (if more than one residential building exists on site):

N/A no existing use

15. General Description of proposed agreement:

The Applicant shall develop the property with two (2) new multi-family residential townhouse buildings

Containing a total of eight (8) units with a combined total floor area of 6,448 square feet of area (plus crawl space) two-bedroom one and a half bath units with laundry hook up

Units will be market rate

Proposed Level of Development - Number of Buildings: (2)

Proposed Use(s): Multifamily Residential

Height of Proposed Uses: 30 feet

Density of Proposed Uses: 20.5 units per acre (8) units/.39acres)

16. List all zoning relief sought under the regulatory agreement, including a reference to each section of the zoning ordinance under which the applicant seeks relief. (Note: This information will form the basis of the legal advertisement for public hearings on this application and should include all relief that may be required to construct the project. Failure to list all required relief may result in an inability to approve the application and may result in the need to re-advertise the public hearing(s) on the application.):

See attached "Requested Zoning Waivers" incorporated herein by reference

17. List all relief sought from general ordinances, rules and/or regulations of the Town of Barnstable, including a reference to each section under which the applicant seeks relief (Note: This information may form the basis of the legal advertisement for public hearings on this application and should include all relief that may be required to construct the project. Failure to list all required relief may result in an inability to approve the application and may result in the need to re-advertise the public hearing(s) on the application.).

See exhibit A

18. List the state and/or Federal Agencies from which permits, funding, or other actions have been/will be sought:

None

19. Proposed duration of the Regulatory Agreement (Note: By law, the agreement cannot exceed 10 years. The duration of the agreement limits the amount of time during which the applicant may seek to obtain development permits to construct the development. All conditions and terms of an executed agreement are on-going obligations of the parties that shall be honored in perpetuity once the applicant exercises development rights under the Regulatory Agreement):

10 Years

20. A description of the public facilities and infrastructure to service the development, including whom shall provide such facilities and infrastructure, the date any new facilities will be constructed, a schedule and a commitment by the party providing such facilities and infrastructure to ensure public facilities adequate to serve the development are available concurrent with the impacts of the development:

Development to be serviced by existing Town water and sewer systems. Applicant has met with Town DPW and Engineers who have confirmed availability and capacity. Applicant will cover costs associated with connection of Water and sewer to the buildings. See engineering plans and architectural drawings filed herewith

21. A description of any reservation or dedication of land for public purposes:

N/A

22. Description of Construction Activity (if applicable), including any demolition, alteration or rehabilitation of existing buildings and a description of building(s) to be demolished, altered or rehabilitated:

None, just clearing of land to make way for construction of buildings

Attach additional sheet if necessary

Submission Requirements:

The following information must be submitted with the application at the time of filing, failure to do so may result in a denial of your request.

Plan Submissions: All plans submitted with an application shall comply with the requirements of Section 240-102 of the Zoning Ordinance. In addition, the following shall be provided:

- Three (3) copies of the completed application form, each with original signatures.
- Three (3) copies of a 'wet sealed' certified property survey (plot plan) and three (3) reduced copies (8 1/2" x 11" or 11" x 17") showing the dimensions of the land, all wetlands, water bodies, surrounding roadways and the location of the existing improvements on the land.
- Four (4) copies of a proposed site improvement plan and building elevations and layout as may be required plus three (3) reduced copies (8 1/2" x 11" or 11" x 17") of each drawing. These plans must show the exact location of all proposed improvements and alterations on the land and to the structures.

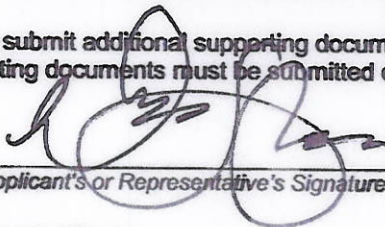
In addition, "pdf" electronic copies of all plans and materials are requested as well as all an electronic file of all plans (format AutoCad.dwg, AutoCad.dxf). Electronic and pdf's can be submitted by disk or e-mailed to karen.herrand@town.barnstable.ma.us.

Other required submissions:

- Review Fee(s) payable by certified check to the Town of Barnstable.
- Deed(s) or Purchase and Sale Agreement(s) for all involved parcels.
- Proof of filing of a Project Notification Form with the Massachusetts Historical Commission if the project is located outside of the Hyannis Main Street Waterfront Historic District.

Other: The applicant may submit additional supporting documents to assist the Board in making its determination. All supporting documents must be submitted eight days prior to the public hearing for distribution to the Board.

Signature:


Applicant's or Representative's Signature

Date: 4/23/2018

Print Name

Dennis Mason

Representative's⁵
Address:

P. O.Box 462 Dennis, MA 02638

Phone: 774-487-8086

Representative's
E-Mail Address:

dennis@seashorehomescapecod.com

⁵ Note: All correspondence on this application will be processed through the Representative named at that address and phone number provided. Except for Attorneys, if the Representative differs from the Applicant/Owner, a letter authorizing the Representative to act on behalf of the Applicant/Owner shall be required.



**Town of Barnstable
Planning Board**

Hyannis Village Zoning Districts

**Agreement to Extend Time Limits
for Closing a Public Hearing on a
Regulatory Agreement**

In the Matter of _____, the Applicant(s), seeking a Regulatory Agreement approval as requested in an application submitted to the Town Clerk's Office of the Town of Barnstable on _____, the applicant(s) and the Planning Board, pursuant to Section 168 of the Barnstable Code, agree to extend the time limits for closing of a public hearing for a period of _____ days beyond that date the hearing was required to be closed.

In executing this Agreement, the Applicant(s) hereto specifically waive any claim for a constructive grant of relief based upon time limits applicable prior to the execution of this Agreement.

Applicant(s):

Signature: _____
Applicant(s) or Applicant's Representative

Print: _____

Date: _____

Address of Applicant(s) or Applicant's Representative

Planning Board:

Signature: _____
Chair

Date: _____

Planning & Development Department
200 Main Street, Street, Hyannis, MA 02601
Phone 508-862-4687

cc: Town Clerk
Applicant(s)
File

MWV Associates, LLC
22 Campion Road
Yarmouthport MA 02675



April 25, 2018

Town of Barnstable
Planning Board and
Building Department
367 Main St.
Hyannis MA 02601

Re: 185 Ridgewood Ave., Hyannis MA

To Whom This May Concern:

I hereby authorize Deborah A. Mason and Dennis L. Mason of Seashore Homes, Inc. to act as agents regarding the regulatory agreement application to build rental housing on the property located at 185 Ridgewood Avenue of which I am the owner.

If required, I authorize Deborah A. Mason and Dennis L. Mason of Seashore Homes, Inc. to apply for relief for abutting lot coverage if required due to any merger issues with abutting commercial property (Map 328/73) 195 Ridgewood Avenue of which I am the owner.

Sincerely,

MWV Associates, LLC

COMMONWEALTH OF MASSACHUSETTS
Barnstable, ss

On this 27th day of April, 2018, before me, the undersigned notary public, personally appeared Kim Vermette proved to me through satisfactory evidence of identification, which was MA drivers license, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he/she signed it voluntarily for its stated purpose, and as his/her free act and deed.

Notary Public

Commission Expires





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& ESCROW, P.C.

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197 Palmer Avenue
Falmouth, MA 02540

Barnstable

3261 Main Street, P.O. Box 1262
Barnstable, MA 02630

Orleans

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Orleans, MA 02653

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Managing Partner

STACEY A. CURLEY, ESQUIRE
MORGAN B. MCCARTHY, ESQUIRE
JOANNE M. O'SULLIVAN, ESQUIRE

April 5, 2018

Dennis Mason
Seashore Homes

Via email: dennis@seashorehomescapecod.com

Re: 185 Ridgewood Avenue, Hyannis, MA

Dear Mr. Mason:

At your request we have reviewed the title to the above referenced property. After conducting a title search (with a start date of 1964) and reviewing said documents of record at the Barnstable County Registry of Deeds, it is my legal opinion that there does not appear to be any merger for purposes of zoning.

We have examined and relied upon the documents of record at the Barnstable County Registry of Deeds. We have not, except as specifically noted in this opinion, made any independent review or investigation of factual matters. Without limiting the foregoing and except as otherwise stated in this opinion, we have not made any independent review or investigation of agreements or instruments to which would not reasonably be discovered in a diligent search of documents recorded at the said registry.

This opinion is limited to the matters expressly stated herein, and no opinion is implied or may be inferred beyond the matters expressly stated herein. Without limiting the foregoing, we express no opinion as to the applicability of, or compliance with, any or all statutes, laws, ordinances, by-laws, rules, regulations or administrative practices relating to the development, ownership, construction, occupancy, use, operation or maintenance of the Premises, including, without limitation, zoning, building, environmental, licensing, permitting or other land use control matters.

Respectfully,

Angela R. Philbrook, Esquire



Town of Barnstable
Building Department Services
Brian Florence, CBO
Building Commissioner
200 Main Street, Hyannis, MA 02601
www.town.barnstable.ma.us



Office: 508-862-4038

4/14/18

Fax: 508-790-6230

April 9, 2018

Seashore Homes, Inc.
C/O Mr. Dennis L. Mason
P. O. Box 462
Dennis, MA 02638

RE: Site Plan Review #020-18 Seashore Homes - REGULATORY AGREEMENT
185 Ridgewood Avenue, Hyannis Map 328, Parcel 226

Proposal: Construction of two multifamily residential buildings along with site improvements including a shared parking lot with 12 spaces. Residential buildings will be composed of (2) 4-unit townhouse design with 8 units; total floor area of 6,448 s.f. (excluding basement area). Rental units will be offered at market rate.

Dear Mr. Mason:

At the formal site plan review meeting held April 5, 2018, the Site Plan Review Committee found the above proposal to be approvable subject to the following conditions:

- Approval is based upon and must be substantially constructed in accordance with plans entitled "Site Plan of Ridgewood Residences at #185 Ridgewood Avenue, Hyannis" dated March 6, 2018 last revised April 4, 2018; and, "Turn Radius Sketch Plan" dated April 4, 2018; Drainage Calculations, dated March 28, 2018, and Stormwater & Operations and Maintenance Plan - 185 Ridgewood Avenue, Hyannis, MA" dated March 27, 2018 all prepared by Down Cape Engineering, Inc. for Seashore Homes, Inc. Also, floor plans and elevations entitled "Seashore Homes, Inc., 185 Ridgewood Avenue, Hyannis, MA", 6 Sheets, dated February 28, 2018, revised April 3, 2018 to add fire service mechanical room locations, prepared by Streibert Associates, Chatham, MA.
- The granting of Regulatory Agreement waivers will be required for the following: reduction of required parking spaces; reduction of landscape buffers; reduction of dumpster setback; density; 2 principal structures/one lot; lot size/coverage relief, if needed; reduced green space perimeter; reduction in setback from lot line; reduction of landscaped setback to residential property line. Contact: Elizabeth Jenkins, Director, Planning & Development. Tel: 508-862-4678.
- Final revision/approval of sewer plan entitled "Sewer Plan of Spring Street, Hyannis, MA" depicting offsite sewer improvements associated with the above project dated March 21, 2018, prepared for Seashore Homes, Inc. by Down Cape Engineering, Inc. is required, as well as execution of a formal agreement with DPW prior the granting of the Regulatory Agreement Contact: Amanda Ruggiero, Assistant Town Engineer. Tel: 508-790-6400 Ext 4933.

- A road opening permit will be required from DPW. HC ramps with grey pads on either side of the driveway are required. Use of the same materials is required for a seamless restoration of the curb cut.
- Both buildings are required to be fire safety sprinkler protected. Water line layouts will need to be coordinated with the Water Dept. for 2 fire service lines as proposed. A FPE flow test will be required to confirm adequacy. CO detectors will also be required. Contact: Deputy Chief Dean Melanson, Hyannis FD. Tel: 508-775-1300.
- Addressing will need to be coordinated with DPW and receive Hyannis FD approval. Contact: Matt Sumner, DPW Tel: 508-790-6400 Ext. 4942.
- Rental units must be registered with the Health Department and inspected annually. Contact: Kathryn Soto, Health Department Tel: 508-862-4072

Applicant must obtain all other applicable permits, licenses and approvals required.

Upon completion of all work, a registered engineer or land surveyor shall submit a certified "as built" site plan and a letter of certification, made upon knowledge and belief in accordance with professional standards that all work has been done in substantial compliance with the approved site plan (Zoning Section 240-105 (G)). This document shall be submitted prior to the issuance of the final certificate of occupancy.

Sincerely,



Ellen M. Swiniarski
Site Plan Review Coordinator

CC: Brian Florence, Building Commissioner, SPR Chairman
Elizabeth Jenkins, Director of Planning & Development
Deputy Chief Dean Melanson, Hyannis FD
Amanda Ruggiero, Assistant Town Engineer, DPW
Planning Board
Health Department.

**NEW BUSINESS
BARNSTABLE TOWN COUNCIL**

ITEM # 2018-XXX

2018-XXX AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND SEASHORE HOMES, INC.

ORDERED: That the Town Manager is authorized pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable (the "Code"), to enter into and execute a Regulatory Agreement between the Town of Barnstable and Seashore Homes, Inc., for the property 185 Ridgewood Avenue, Hyannis, 0.39± acres, shown on Town of Barnstable Assessor's Map 328 as Parcel 226, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 14210, Page 101("the Property"); and permitting the development of the Property and granting the requested zoning relief and approval under Chapter 112, Article I of the Code pursuant to and as described in this Regulatory Agreement.

REGULATORY AGREEMENT

Seashore Homes, Inc.
185 Ridgewood Avenue, Hyannis

This regulatory agreement ("Agreement") is entered into by and between the developer, Seashore Homes, Inc. ("Developer") with a usual address of PO Box 462, Dennis, MA 02638 and the Town of Barnstable ("Town"), a municipal corporation with a usual address of 367 Main Street, Hyannis, MA 02601, on this ____ day of _____, 2018 pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Section 168 of the Barnstable Code.

WITNESS:

WHEREAS, this Agreement shall establish the permitted uses, densities, and parking within the Development (as hereinafter defined), the duration of the agreement, and any other terms or conditions mutually agreed upon between Developer and the Town;

WHEREAS, this Agreement shall vest land use development rights in the Property for the duration of the agreement, and such rights shall not be subject to subsequent changes in local development ordinances, with the exception of changes necessary to protect the public health, safety or welfare

WHEREAS, the Town is authorized to enter into this Agreement pursuant to Chapters 168 and 240 of the Barnstable Code;

WHEREAS, Developer will be the owner of the property at 185 Ridgewood Ave., Hyannis, Massachusetts consisting of 17,061± square feet (0.39± acres), shown on Town of Barnstable Assessor's Map 328 as Parcel 226, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 14210, Page 101("the Property");

WHEREAS, Developer is willing to commit itself to the development of the project substantially in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the Development and therefore considers this Agreement to be in its best interests;

WHEREAS, the Town and Developer desire to set forth in this Agreement their respective understandings and agreements with regard to development of the Property;

WHEREAS, the Development will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA) or the Cape Cod Commission Act;

WHEREAS, Developer has made application to the Planning Board pursuant to Chapter 168 of the Barnstable Code;

WHEREAS, the Development is located in the Hyannis Growth Incentive Zone (GIZ) as approved by the Cape Cod Commission by decision dated April 6, 2006, as authorized by Barnstable County Ordinance 2005-13, as amended by Barnstable County Ordinance 10-19 and 14-05, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application as extended by an Agreement to Extend Town of Barnstable Downtown Hyannis Growth Incentive Zone to October 6, 2017 between the Cape Cod Commission and the Town of Barnstable executed on December 14, 2015, and further extended by a second Agreement to Extend to April 4, 2018 between the Cape Cod Commission and the Town of Barnstable executed on October 6, 2017.;

WHEREAS, the Development is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the GIZ and due to the adoption of Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ as extended by an Agreement to Extend Town of Barnstable Downtown Hyannis Growth Incentive Zone to October 6, 2017 between the Cape Cod Commission and the Town of Barnstable executed on December 14, 2015, and further extended by a second Agreement to Extend to April 4, 2018 between the Cape Cod Commission and the Town of Barnstable executed on October 6, 2017, under which this development may proceed and Developer has submitted a Jurisdictional Determination to the Town of Barnstable Building Department to confirm the same;

WHEREAS, prior to applying for approval of this Agreement, the Development was reviewed by the Town of Barnstable Site Plan Review Committee on April 5, 2018 (SPR 020-18) and the Site Plan Review Committee voted to find the development proposal approvable subject to the grant of a Regulatory Agreement and other conditions as stated in its letter dated April 9, 2018 (the "Site Plan Approval Letter");

WHEREAS, Developer proposes to develop the Property with two (2) new multi-family residential structures that will contain a total of eight (8) units with a combined total floor area of 6,448 square feet (plus crawl space area) and the Developer proposes to construct two (2) four-unit townhouses - at market rate - with paved parking areas and new storm water management systems, lighting, and landscaping.

WHEREAS, the project will provide twelve (12) on-site surface parking spaces;

WHEREAS, after consultation by the Developer with the Department of Public Works and Hyannis Water Division, it has been determined that there is sufficient capacity for the project to be connected to and served by the municipal sewer system and the municipal water system and that doing so will be to the mutual benefit of the Developer and the Town;

WHEREAS, the project provides, without limitation, the following site design, traffic safety, and community benefits:

- a. Developing a long standing vacant property. Revitalization is anticipated to eliminate or substantially reduce issues associated with blighted property including but not limited to an unkempt and unsightly appearance, eliminating a potential hazard and nuisance in the area;
- b. The new buildings will significantly improve aesthetics along Ridgewood Ave.;
- c. The project will provide market rate housing (the need for which was identified in the 2014 Housing Needs Assessment) in an area of Hyannis in need of redevelopment;
- d. Sufficient on-site parking for the residents and guests;
- e. Exterior site lighting improvements;
- f. Improved storm-water drainage management on-site;
- g. Adhering to smart growth standards and goals by providing attractive new housing opportunities in an area with close accessibility to public transit facilities, shopping, and other amenities.

WHEREAS, the project is consistent with the Downtown Hyannis Design & Infrastructure Plan in that it contributes to the plan's goals of creating livable neighborhoods for year-round residents; creates housing opportunities for persons and households of all income levels; and creates consistency with the historic and maritime character of the area. The proposed building design relates to the surrounding neighborhood context in placement and scale, buildings on the local architectural context, and is oriented to the street; the façade materials are high-quality; and the site design features shared open space and parking located at the rear of the lot;

WHEREAS, Developer would require zoning relief to allow for multi-family residential development in the Single Family Residential District and certain other dimensional and parking-lot related relief, all as further defined in paragraph number 21 below;

WHEREAS, Developer has undergone a public hearing on the Regulatory Agreement application with the Planning Board and received a majority vote from the Planning Board approving the application on _____, 2018;

WHEREAS, Developer has undergone a public hearing on the Regulatory Agreement application before the Town Council and received a 2/3rds vote approving the application on _____, 2018;

NOW, THEREFORE, in consideration of the agreements and covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which each of the parties hereto hereby acknowledge to the other, Developer and the Town do enter into this Agreement, and hereby agree and covenant as follows:

1. The Developer shall develop the property as follows:
 - a. The Developer shall develop the Property with two (2) new multi-family residential townhouse structures that will contain a total of eight (8) units with a combined total floor area of 6,448 square feet (plus crawl space) two-bedroom one and a half baths units and laundry.
Units will be market rate
 - b. Paved parking areas with new storm water management systems, lighting and landscaping will be installed;
 - c. The Developer agrees to construct the project in accordance with the plans and specifications submitted to and approved by the Town (hereinafter Development Plans), listed as follows and made a part of this Regulatory Agreement by reference:
 1. Civil Engineering plans (including landscaping) entitled Ridgewood Residences at 185 Ridgewood Avenue, Hyannis, Massachusetts” dated stamped by P.E. on 4/4/2018 prepared by Down Cape Engineering, Inc.
 2. Building floor plans and elevations prepared by Streibert Associates, Architects dated April 3, 2018
 - d. The Developer agrees to comply with the conditions in the aforesaid Site Plan Approval Letter dated April 9, 2018 (SPR 020-18).
2. The development rights granted hereunder shall be exercised and development permits may be obtained hereunder for a period of 10 years from the effective date of the Agreement, provided, however, that prior to the expiration of said 10-year period Developer may request a twelve-month extension to obtain development permits. Upon receipt of necessary development permits, construction shall proceed continuously and expeditiously, but in no case shall construction exceed 2 years from receipt of necessary

development permits. Other than a transfer to a single-purpose entity controlled by the Applicant and created specifically for development of the project, the development rights granted under this agreement shall not transfer to another owner without the prior written permission of the Town Manager under Section 168-5 of the Barnstable Town Code.

Lighting for the Development shall be contained on-site, shall be down cast, shall not contribute to light pollution of the area, and shall be constructed consistent with the lighting plans identified in paragraph 1, above.

3. The site shall be landscaped consistent with the landscaping plan identified in paragraph 1, above. All landscaping within the development shall be low-water use and shall minimize the use of fertilizers and pesticides.
4. The developer shall provide bike storage on the Property.
5. Rental restrictions: the units developed hereunder are intended for use and occupancy by individuals and/or families claiming legal residence in the Town of Barnstable (to the extent that the same is legally permissible under the fair housing and other laws and regulations of the Commonwealth of Massachusetts and the United States). Developer's minimum lease term of rental units shall be twelve (12) months. Sublease of rental units, if permitted by the Developer, shall be for a minimum term of ninety (90) days. The units developed hereunder shall be rental only, and any change shall be construed as a modification to this Agreement.
6. All plumbing fixtures in the new units shall be low water use fixtures and other water conservation measures are encouraged in the design and development of the project.
7. Developer shall provide calculations demonstrating adequate water flow for fire suppression prepared by a fire protection engineer as required by the Hyannis Fire Department.
8. Developer is responsible for obtaining all applicable permits and licenses, including but not limited to the following: foundation permit, building permit, street excavation permit (necessary for work in all public spaces), sewer permits and water permits. Only Town of Barnstable approved contractors are allowed to work on Town owned property. Contractors are required to have the insurance stipulated in the Street Excavation Rules and Regulations (SERR) and all work on town property must comply with all provisions of SERR. All work within the public way and public utility services shall be to Town Standards. All plans shall be reviewed and approved by the Department of Public Works prior to initiating any work within the public way.
9. Developer will make best efforts to complete construction work in accordance with a construction schedule submitted and approved in writing by the Town of Barnstable Building Commissioner and Hyannis Fire Department prior to the issuance of any foundation or building permits. Developer shall have two (2) years from the date of

commencement of work to complete construction. To the extent construction impacts public property or public rights of passage, changes in the schedule, if needed as work progresses, are subject to the written approval of the Barnstable Planning & Development Department. The construction schedule shall, to the maximum extent feasible, avoid interference with traffic on Ridgewood Ave. The developer shall notify in writing and receive the written approval from the Town of Barnstable Planning & Development Department and the Department of Public Works at least 48 hours in advance of working on Town property. The Developer will be responsible for all construction signage, directional signs, and police officers necessary for the performance of the work as determined by Town.

10. Exterior construction impacts shall be minimized, and construction shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays, and 8:30 a.m. to 2:00 p.m. Saturdays. No construction shall occur on Sundays. The Building Commissioner shall establish protocols to minimize the location of staging, noise, dust, and vibration. Failure to comply with these protocols following written notice from the Building Commissioner shall be grounds for the issuance of a stop work order until agreement as to compliance with the protocols is achieved.
11. To the extent that the referenced plans do not depict all of the findings and conditions as set forth in this Agreement, revised plans and/or notations shall be provided. In addition to permits, plans and approvals listed above, any and all permits and licenses required shall be obtained.
12. The total number of parking spaces proposed for the Development is twelve (12) on the Property.
13. Changes to the approved Plans referenced in Paragraph No. 1 shall require an amendment to this agreement under either §168-5 or §168-10 of the Barnstable Code, as determined by the Town.
14. Construction debris shall be removed from the Property and shall be reused or recycled to the maximum extent possible.
15. The construction of this project will result in the following benefits to the Town:
 - a. Development of long standing vacant property is anticipated to eliminate or substantially reduce issues associated with blighted property including but not limited to an unkept and unsightly appearance, eliminating a potential hazard and nuisance in the area;
 - b. The new buildings will significantly improve aesthetics along Ridgewood Ave.;
 - c. The project will provide market rate housing (the need for which was identified in the 2014 Housing Needs Assessment) in an area of Hyannis in need of redevelopment;
 - d. Sufficient on-site parking for the residents and guests;
 - e. Exterior site lighting improvements;

- f. Improved storm-water drainage management on-site;
- g. Adhering to smart growth standards and goals by providing attractive new housing opportunities in an area with close accessibility to public transit facilities, shopping, and other amenities which will contribute to the revitalization of Hyannis.

16. The Town hereby grants waivers from the following Zoning Ordinance sections:

See Exhibit A attached hereto and incorporated herein by reference.

17. Upon completion of all work, Developer shall cause a registered engineer or land surveyor to submit as-built plans accompanied by a letter of certification, made upon knowledge and belief in accordance with professional standards that all work has been done in substantial compliance with the approved site plan. This document shall be submitted prior to the issuance of the final certificate of occupancy.
18. The development allowed in this permit shall be considered full build-out of the property. The structures authorized shall not be expanded nor other buildings and structures added without compliance with §168-10 of the Barnstable Code.
19. This Agreement shall be recorded with the Barnstable Registry of Deeds within sixty (60) days of its execution by the Town and a recorded copy shall be provided to the Barnstable Planning & Development Department, such recording to include the aforesaid Exhibit A hereto and the legal Property description as provided in Exhibit B attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this _____ day of _____, 2018.

Town of Barnstable

Seashore Homes, Inc.

By: _____
Mark S. Ells, Town Manager

By: _____
Deborah Mason, President

Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ____ day of _____, 2018, before me, the undersigned notary public, personally appeared Mark Ells, Town Manager of the Town of Barnstable, and proved to me through satisfactory evidence of identification, being (check whichever applies): Driver's license or other state or federal governmental document bearing a photograph image; Oath or affirmation of a credible witness known to me who knows the above signatory, or My own personal knowledge of the identity of the signatory, to be the person whose name is listed above, and acknowledged to me that he signed the foregoing instrument as his free act and deed as Town Manager of Barnstable and voluntarily for its stated purpose.

Notary Public

My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ____ day of _____, 2018, before me, the undersigned notary public, personally appeared Deborah Mason, President of Seashore Homes, Inc., and proved to me through satisfactory evidence of identification, being (check whichever applies): Driver's license or other state or federal governmental document bearing a photograph image; Oath or affirmation of a credible witness known to me who knows the above signatory, or My own personal knowledge of the identity of the signatory, to be the person whose name is listed above, and acknowledged to me that she signed the foregoing instrument as her free act and deed as President of Seashore Homes, Inc. and voluntarily for its stated purpose.

Notary Public

My Commission Expires:

EXHIBIT A ZONING WAIVERS

REQUESTED ZONING WAIVERS			
Zoning Bylaw (date)	Required	Provided	Comments
CODE 240-56 Reduction in required number of parking spaces	13 required	12 provided	Includes one van accessible space
CODE 240-53. Reduction in parking landscape buffer, building to parking buffer.	10 feet required	10" perimeter buffer to as indicated	Wheel stops provided
CODE 353-4 Reduction in dumpster setback from abutting properties (commercial to north)	10 feet required	2 feet perimeter	Abuts commercial fence property
CODE 240-24.1.5A SF Single Family Residential District	Permitted uses: a. Single family b. Bed and breakfast c. Artists lofts d. For those lots with frontage on South Street and/or High School Road professional offices Multifamily e. Renting rooms for not more than three members by the family residing in a single family dwelling	Multi-family	Applicant seeks to construct 8 multifamily residential units on .39 acre lot
240-7 Proposed 2 buildings on one lot	One building per lot.	Multi-family	.
240-91 Lot size relief Relief for abutting lot coverage if required due to any merger issues			Only if merger issues with abutting commercial property (Map 328/73) 195 Ridgewood Avenue
240-23.1.5(B) Less than 10' perimeter green space			
240-24.1.5(B) Reduction in setback from lot line	10 Feet required	5.9"	Reduction from 10' to 5.9'
240-24.11.A.(5)(c) Landscaping	20' Landscape setback to residential property line required.	As shown on site plan	Waiver to 6.5' min. to residences and as shown on site plan requested.
240-35.G.(4) Well Protection Overlay District Regulations Lot coverage	Natural State 30%	2% Normal	Portions previously developed will provide 30% plus landscaped areas.

EXHIBIT B
LEGAL DESCRIPTION

SPONSOR: Paul Hebert, Councilor Precinct 3

DATE	ACTION TAKEN
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<input type="checkbox"/>	Read Item
<input type="checkbox"/>	Motion to Open Public Hearing
<input type="checkbox"/>	Rationale
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Close public hearing
<input type="checkbox"/>	Council discussion
<input type="checkbox"/>	Move/vote

BARNSTABLE TOWN COUNCIL AGENDA ITEM SUMMARY

TO: Town Council
FROM: Seashore Homes, Inc.
THROUGH: Elizabeth Jenkins, Planning & Development Director
DATE: April 10, 2018
SUBJECT: Regulatory Agreement with Seashore Homes, Inc. 185 Ridgewood Ave

BACKGROUND: The proposed Regulatory Agreement with Seashore Homes, Inc. for the development of a vacant, blighted property at 185 Ridgewood Avenue, Hyannis with a “pocket neighborhood” of 8 multi-family residential rental units. After a public hearing, the Planning Board voted to recommend adoption of the proposed Agreement on April , 2018.

RATIONALE:

Approval of a Regulatory Agreement with Housing Assistance Corp. allowing the specified zoning relief, upon the terms and conditions as approved by the Planning Board, will facilitate redevelopment of the Property and yield the following benefits to the Town:

- a. Development of long standing vacant property will eliminate and reduce issues associated with this blighted property including, but not limited to, homeless occupation and illicit activity.
- b. Development will significantly improve aesthetics on an often-traveled road in the Hyannis Growth Incentive Zone.
- c. The project will provide market rate housing, the need for which was identified in the Town of Barnstable’s Housing Production Plan.
- d. The project will provide significant investment in the East End of Hyannis, a neighborhood that is the focus of planning efforts for which the Town is currently seeking technical assistance and resources from Mass Development.
- e. Adhering to smart growth standards and goals by providing attractive new housing opportunities in an area with close accessibility to public transit facilities, shopping, and other amenities.
- f. Improved storm-water drainage management on-site with underground infiltration chambers for treatment of all roof and driveway runoff will improve the Property.
- g. Sufficient on-site parking for the residents and guests;
- h. Exterior site lighting improvements

249. WHEEL BASE

MAP 328 PARCEL 74
JAMES ARTHUR AVILA
DB 4483 PG 5

MAP 328 PARCEL 75
ANDERSON SILVA
DB 26407 PG 129

MAP 328 PARCEL 106
GARY E HAWKSLEY
DB 8884 PG 85

TURNING RADIUS SKETCH PLAN

Scale: 1" = 20'



REVISED THRU: APRIL 4, 2018 (SPR COMMENTS)

RIDGEWOOD AVENUE
40' WIDE PUBLIC WAY 1927 L.O. (PB 20 PG 89)

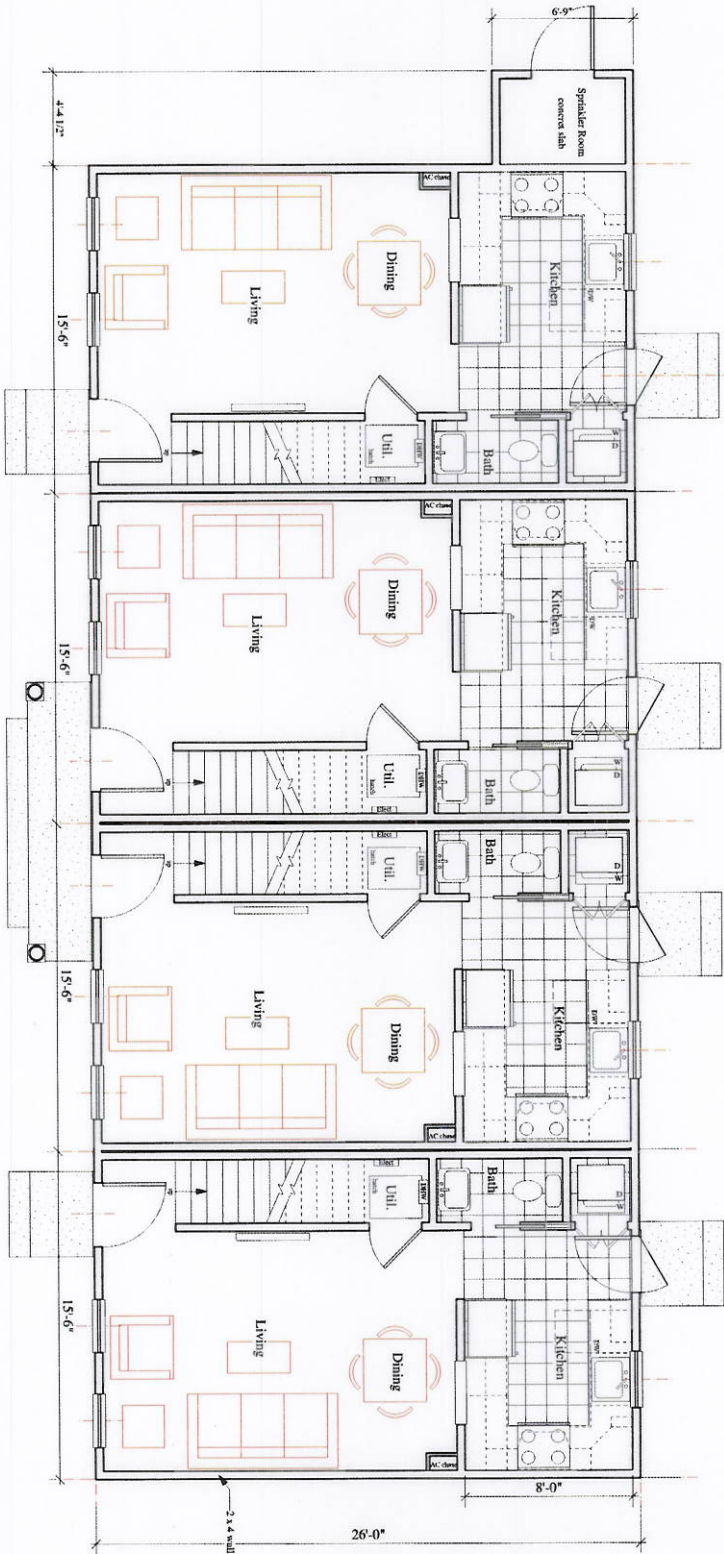
EXISTING PAVED PARKING LOT

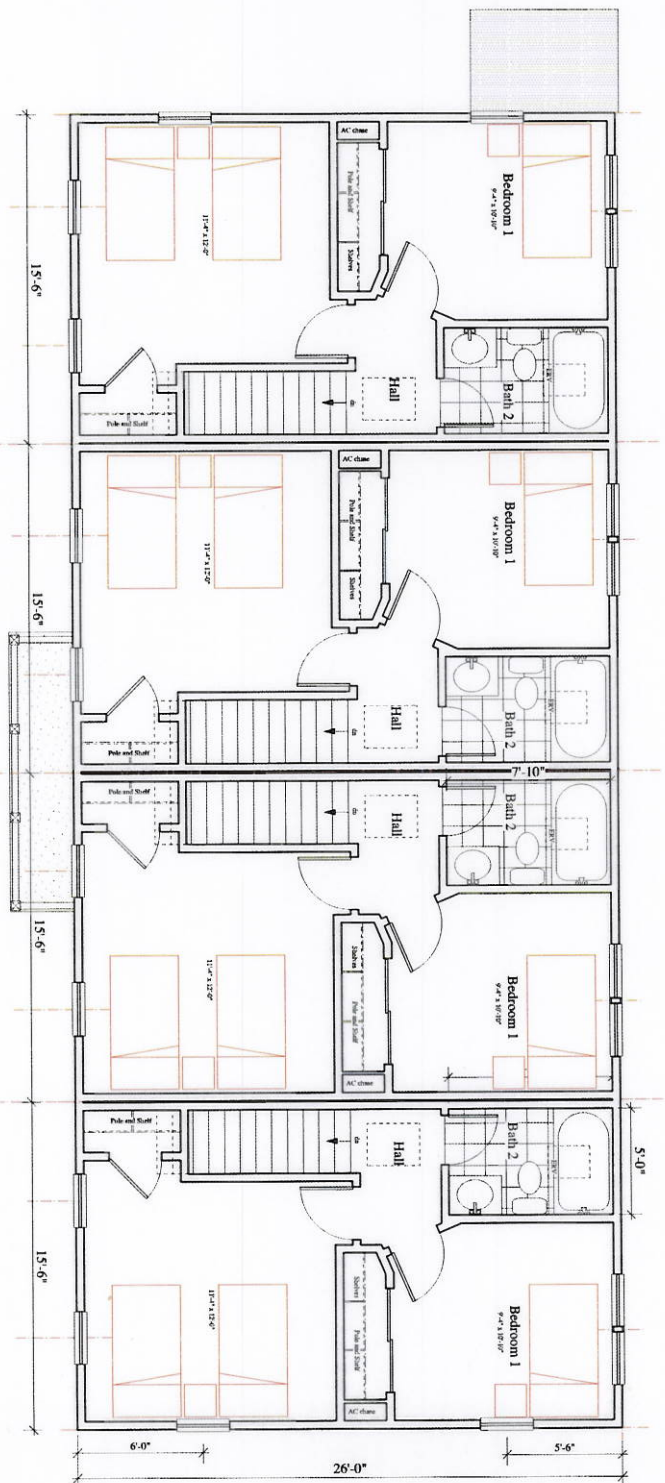
down cape engineering, inc.

**civil engineers
land surveyors**

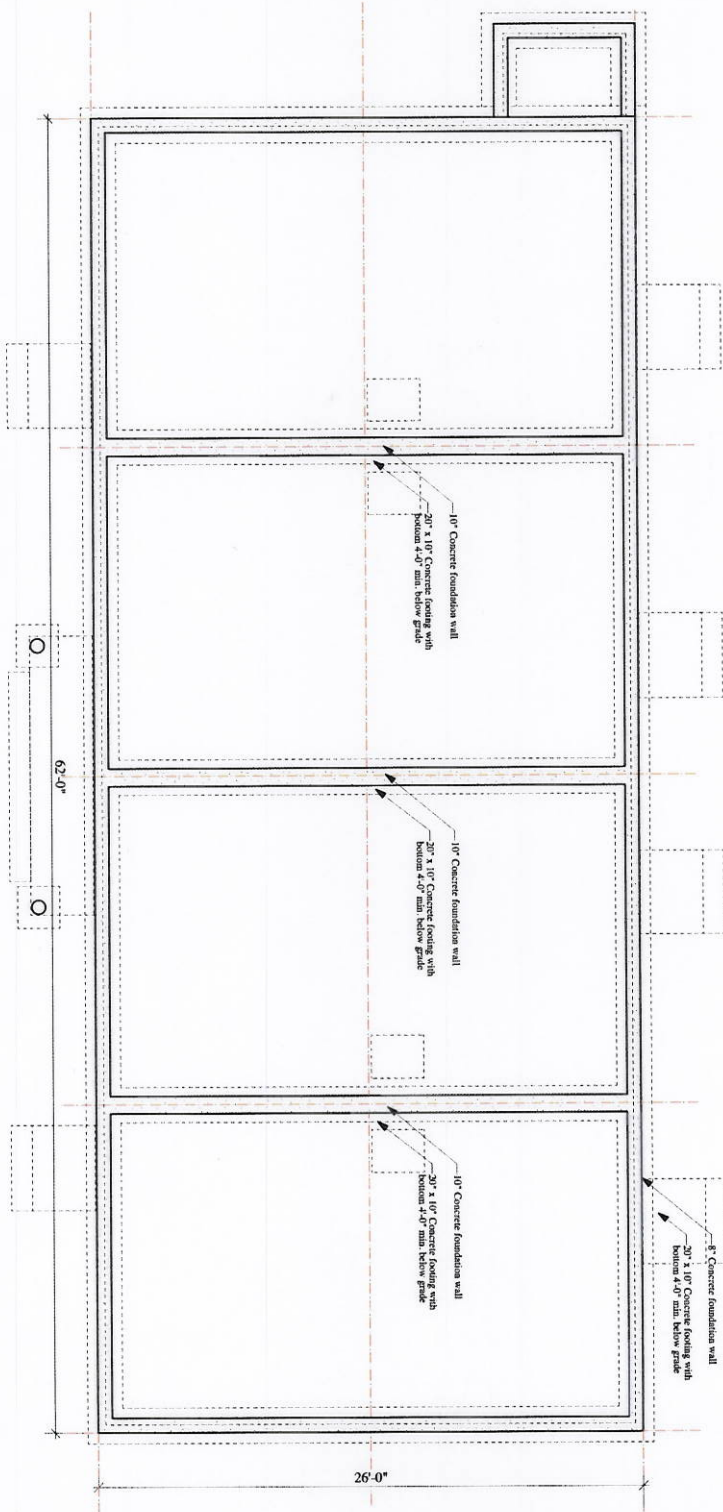
off 508-382-4541
fax 508-362-9880
downcape.com @

939 Main Street
Yarmouthport MA 02675

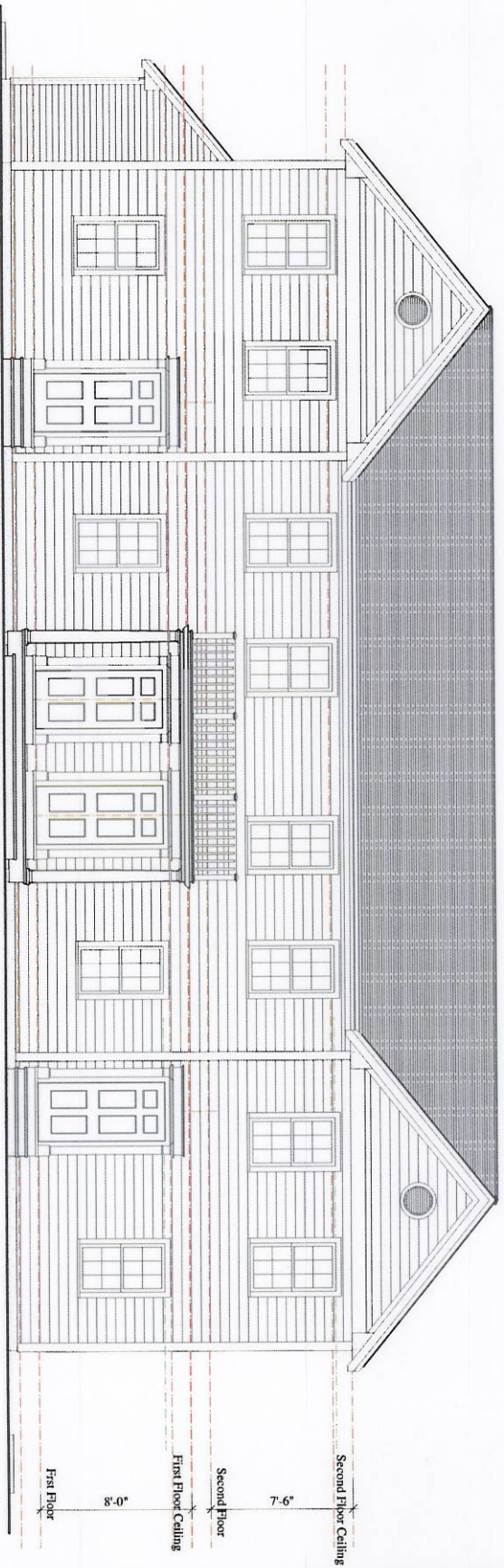
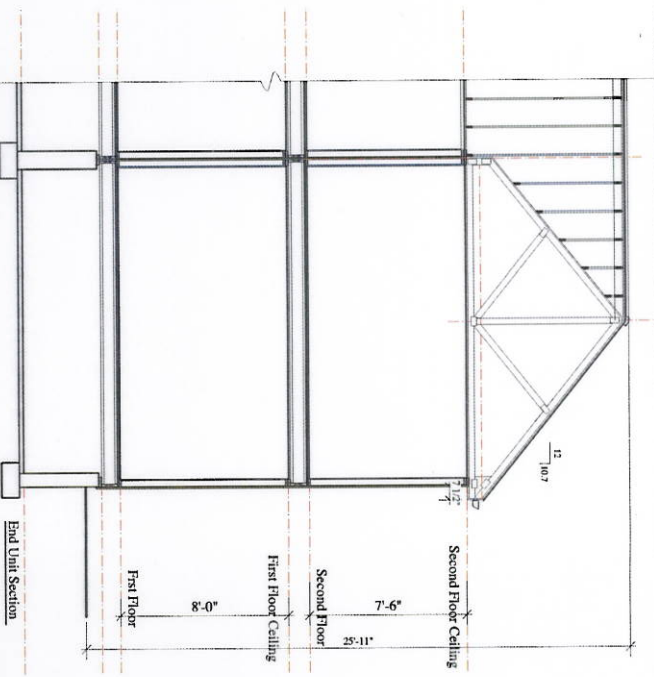
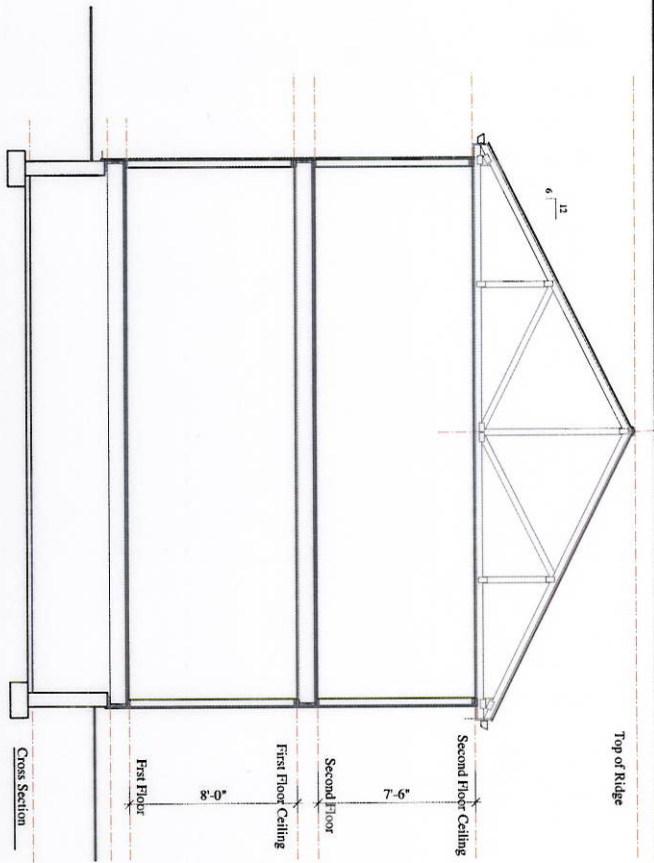




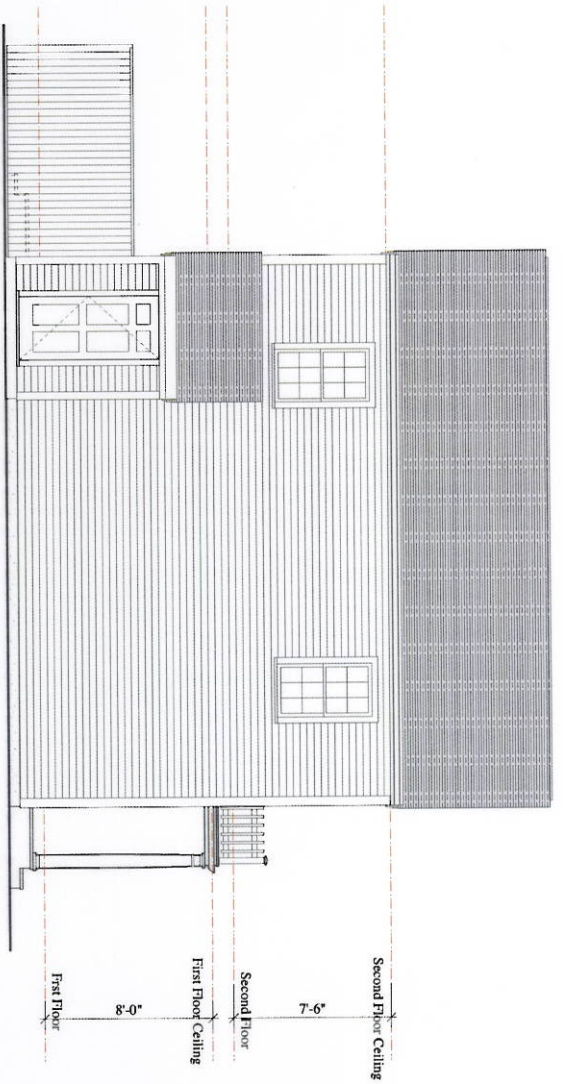
West Building - Second Floor Plan
East Building is equal but opposite hand



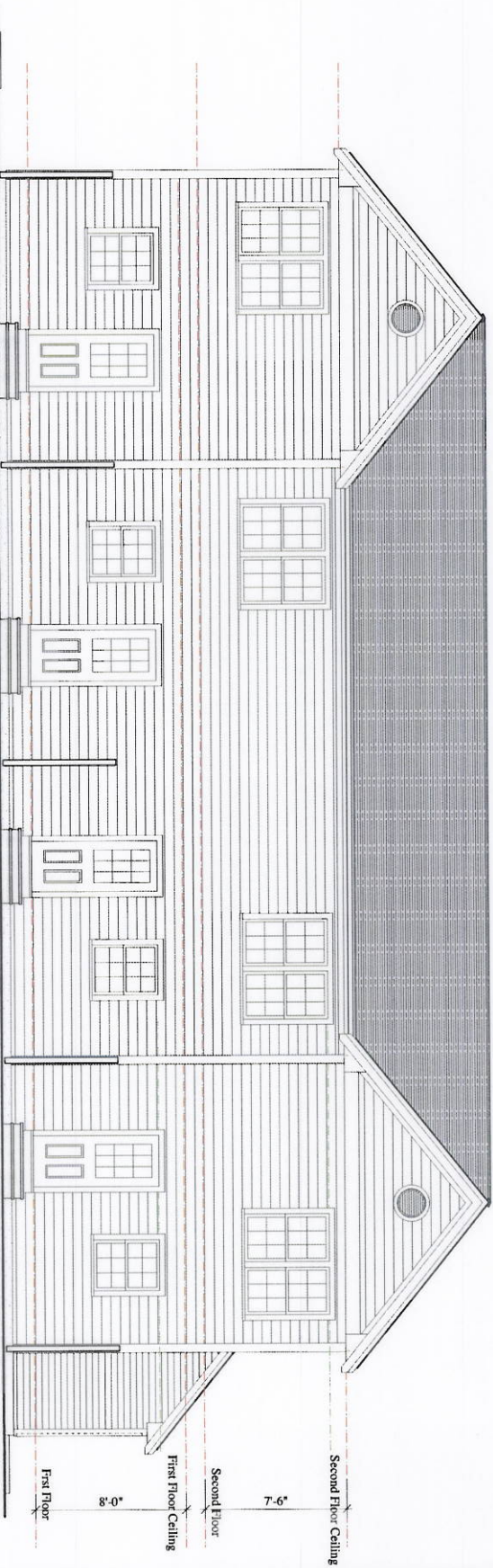
West Building - First Floor Plan
East Building is equal but opposite hand



West Building - Front Elevation
East Building is equal but opposite hand



West Building - South Side Elevation
 North Elevation is equal but w/o Sprinkler Room
 East Building is equal but opposite hand



West Building - Rear Elevation
 East Building is equal but opposite hand

STREIBERT ASSOCIATES
 15 Linden Tree Lane
 Chatham, Massachusetts 02633

Architect
 Seashore Homes, Inc.
 185 Ridgewood Avenue
 Hyannis, MA 02601

1802 Elevations 2
 Scale: 1/4" = 1' - 0"

9 April 2018
 A5